

Minutes
Board of Supervisors
Regular Meeting
September 20, 2016

Members Present: Johnny Woodward, Chairman At-Large
David Wiatrowski, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Dorothy Pendley, District 5

Absent: D. Keith Guzy, District 1

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Janeena Zalipski, Office Aide
Nathan Miller, County Attorney

Call to Order:

Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on September 20, 2016, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray. The Call to Order was followed by the *Pledge of Allegiance* and Invocation given by Supervisor Pendley.

Adoption of the Agenda:

Motion: Supervisor Stroupe moved to adopt the agenda. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Public Hearing:

Ordinance to Amend Chapter 55 (Festivals):

Chairman Woodward opened the Public Hearing on an Ordinance to Amend Chapter 55 (Festivals) at 7:06 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS
COUNTY OF PAGE, VIRGINIA
AN ORDINANCE TO AMEND CHAPTER 55 (FESTIVALS)

PLEASE TAKE NOTICE: That the Board of Supervisors of the County of Page, Virginia shall hold a public hearing on September 20, 2016, at 7:00 p.m., at 103 South Court Street, Luray, VA 22835, for the purpose of a public hearing on the proposed ordinance to amend Chapter 55 (Festivals) of the Page County Code.

Mrs. Moler explained Chapter 55 of the Page County Code addresses festivals for the purpose of conducting music or entertainment in open fields. The Board has approved several special entertainment permits this year already for festivals. After review and questions received from the public, staff felt that minor amendments to the existing ordinance would better clarify the permit process to the applicant and staff. She then reviewed the proposed changes with the Board. She pointed out that the County Emergency Manager will also be a signatory to the application process.

Public Comments:

Terry Pettit, Stanley Town Manager, said the Hawksbill Recreation Park, as owned by the Town, is 28 acres of woodland and open fields and has been open since 1932. It has a swimming pool, picnic areas, and shelters and they have several open music events yearly. He said that they now must obtain a permit for open music events from the County. In the application, it asks for information from the following: adequate sanitation facilities; the Park has numerous bathroom facilities there already and their health department permit was granted for up to 2,000 attendees at the Park. The Town has its own trash truck and handle all sanitation already. The Park is serviced by Town water, which is also required in the permit application. The Park has an approved food service permit from the Virginia Department of Health to sell food. The Park has ample parking. The Stanley Rescue Squad handles all medical facilities when an event is occurring. The Stanley Police Department patrols Town property and they patrol any event at the Park. The Stanley Fire Department handles all fire protection and the Town charter says that the fire chief is in charge of fire protection on any incorporated area and on any property owned by the Town, not the County Emergency Manager. The Park also has adequate lighting. In Section 55-6 of the Ordinance, it says that music shall not be provided for more than eight hours in any twenty-four period. He said if they start an event at 12 noon in July then the music must stop at 8:00 p.m. Section 55-7 states that no person under the age of 18 years of age shall be admitted to any festival unless accompanied by a parent or guardian. He said there is swimming party's going on all day long with outside music and the parents drops the children off and pick them up later. He said that Section 55-3 does not address town government. Mr. Pettit noted that this Ordinance may hinder some groups from using the facilities. He said the County should be promoting people to these events held at the Park. The areas that are designated for these events already meet the criteria and people should be encouraged to use these facilities since that is their intended purpose. If the Towns meet the criteria then a permit from the County should not be necessary.

Mike Uram, Stanley Town Councilman, mentioned that he feels the word "partnership" was omitted from Section 55-8.

Chairman Woodward closed the hearing at 7:15 p.m.

Chairman Woodward asked if the Sections 55-3, 55-7, 55-8 are being changed with this amendment. Mrs. Moler said they have not been changed since the Ordinance was adopted in 1980.

County Attorney Miller said that staff may need to make an amendment for property that the towns own in the county and also look at Section 55-7 regarding the age limits.

Chairman Woodward asked if a church revival would be considered a festival. Mrs. Moler said it would be if it had music outdoors.

County Attorney Miller said he feels the Board should go over the entire Chapter 55 since some valid points have been brought to the Board's attention. The Board was in consensus to invite all the towns to a work session after County Miller has done his research.

Motion: Supervisor Foltz moved to table the proposed Festival Ordinance Amendment until the October 4, 2016 work session. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

Ordinance to Amend Chapter 105 (Taxation):

Exhibit A

Chairman Woodward opened the public hearing on the Ordinance to Amend Chapter 105 (Taxation) at 7:28 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS
COUNTY OF PAGE, VIRGINIA
AN ORDINANCE TO AMEND CHAPTER 105 (TAXATION) OF THE PAGE COUNTY
CODE

PLEASE TAKE NOTICE: That the Board of Supervisors of the County of Page, Virginia shall hold a public hearing on September 20, 2016, at 7:00 p.m. at 103 South Court Street, Luray, VA 22835, for the purpose of a public hearing on the proposed ordinance to amend Chapter 105 (Taxation) of the Page County Code.

Mrs. Moler said that Chapter 105 of the Page County Code addresses special assessments for agricultural, horticultural, forest and open space uses. Recently, this section of the County Code was reviewed by the County Attorney and found that it was inconsistent with the Code of Virginia. Therefore, it is recommended that this Section be amended.

County Attorney Miller explained several of the changes.

Public Comments:

With no public speakers, Chairman Woodward closed the hearing at 7:29 p.m.

Motion: Supervisor Stroupe moved to adopt the Ordinance to Amend Chapter 105 (Taxation), Article III (Special Assessment for Agricultural, Horticultural, Forest and Open Space Uses) of the County Code. Supervisor Pendley seconded and the motion carried by a vote of 5.0. Aye: Stroupe, Foltz, Pendley, Woodward, Wiatrowski. Nay: None. Absent: Guzy.

Presentations, Proclamations & Awards:

Resolution Commending the Shenandoah 12U All-Star Team:

Chairman Woodward read the Resolution Commending the Shenandoah 12U All-Star Team. The Board adopted this Resolution at their September 6th meeting.

#2016-08

RESOLUTION

PAGE COUNTY BOARD OF SUPERVISORS

Commending the Shenandoah 12U All-Stars Team

WHEREAS, the Shenandoah 12 U All-Star Team has had outstanding achievements during the 2016 season; and

WHEREAS, the Shenandoah 12 U All-Star Team are the Babe Ruth World Series Champions; and

WHEREAS, Shenandoah outscored its opponents 45-6 in the World Series and 174-12 in the Regional, State and World Series tournaments combined.

WHEREAS, the Team's success is attributed to the leadership of Coach Jamey Hensley and the hard work and talent of an outstanding team comprised of Anna Carter, Maddie Gordon, Taylor Hankins, Kirsten Hensley, Avery Herring, Leah Hilliard, Megan Holland, Aliza Lokey, Tana Merica, Marissa Monger, Sarah Smith and Taylor Umberger; Coach Jamey Hensley was assisted by Megan Gordon and Chad Umberger; and the loyal support of the parents and community.

NOW THEREFORE, BE IT RESOLVED, by the Page County Board of Supervisors that this Resolution is hereby adopted for presentation to the Coach, Assistants and team members as an expression of pride and support for their exceptional performance which led to their World Series Championship win.

This Resolution was adopted by the Page County Board of Supervisors this 6th day of September, 2016.

Chairman Woodward then presented the Resolution to the 12U All-Star Team and Coaches.

Proclamation – Constitution Week:

Dolores Lackovitch, Shenandoah River Chapter of the Daughter's of the American Revolution (DAR), and Barbara Mozisek of the John Rhodes Chapter of the DAR in Luray asked the Board to adopt a Proclamation for Constitution Week. They then presented the Board with a framed copy of the U. S. Constitution for display in the County Government Center.

#2016-09

PAGE COUNTY, VIRGINIA PROCLAMATION
Constitution Week 2016

WHEREAS, September 17, 2016, marks the two hundred and twenty-ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as constitution week;

NOW, THEREFORE, I, Johnny Woodward, Chairman of Board of Supervisors for Page County, Commonwealth of Virginia, do hereby proclaim September 17th through 23rd, 2016 as:

CONSTITUTION WEEK

in all the towns, communities and schools within the County of Page and ask our citizen to reaffirm the ideals of the Framers of the Constitution in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Page County, Virginia on this twentieth day of September in the year of our Lord two thousand sixteen and of the Independence of the United States of America the two hundred, fortieth and of the Commonwealth of Virginia the four hundred, ninth.

Motion: Supervisor Pendley moved to adopt the Proclamation for Constitution Week. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None, Absent: Guzy.

Public Comments on Agenda Items:

There were no public speakers during Public Comments on Agenda items.

Action Matters:

Airport Grant Approval & Update:

Powell Markowitz, Luray/Page County Airport Authority, updated the Board on Airport activities. He said that construction is underway for the relocation of Airport Road. This road was an obstruction to the runway and the FAA required them to move it. As part of the project, they will relocate Heritage Drive that goes into the golf course, which will enable them to add about 230 feet of additional runway. As we proceed we will get an LPD approach which enables them to have lower minimums and be useful with the rescue helicopters landing during cloudy days. He then gave an update on the operations at the Airport for the past year. He said the fuel sales are their only source of income. All the hangers are full, and hopefully if the logistics can be worked out an emergency helicopter can be housed at the Airport in the future. Mr. Markowitz said three years ago the Town and County transferred the real estate to the Airport Authority. Recently, County Attorney Miller had to submit more information to the FAA and hopefully the transfer will be completed soon. The grant for the coming year is for the environmental assessment, which will cost \$86,000. The FFA will provide 90% (\$77,400), Virginia Department of Aviation (DOAV) has approved \$6,800 so the local share will be \$1,800 (\$900 coming from both the Town of Luray and the County). The objective of the assessment is for the terminal area development and to evaluate the potential environmental impacts of the development items. Mr. Markowitz said the money is in the budget and he needed the Board to authorize Mrs. Moler to sign the grant and County Attorney Miller to attest to it. The Town of Luray approved it at their last meeting.

Motion: Supervisor Foltz moved to approve the grant submission to the FAA for the Environmental Assessment project, with the County's share not to exceed \$900, and further to authorize the County Administrator to execute any documents related to this project. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None. Absent: Guzy.

Special Entertainment Permit – Bethlehem Independent Christian Church:

Stephanie Lillard, Director of Community & Economic Development, said the Bethlehem Independent Christian Church has requested a special entertainment permit pursuant to Chapter 55 (Festivals) of the Page County Code, to conduct a fall revival. This event is scheduled for October 1, 2016 and will be held at the Hawksbill Recreation Park, from 2-6 pm. They estimate between 150-200 attendees and have volunteers on site for parking, emergency services (EMT & CPR certified), and cleanup. Concessions will be available for purchase of food and beverage and a temporary permit has been obtained for Virginia Department of Health (VDH). Music will be provided by two groups.

Motion: Supervisor Pendley moved that the Board of Supervisors approve the Special Entertainment Permit application for Bethlehem Independent Christian Church for their

revival slated for October 1, 2016. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Review of Commercial Code Amendment:

Michelle Somers, Zoning Administrator, explained that Page County adopted the zoning ordinance in 1989. Several amendments have been made to the code but it has remained in its original form since adoption. The proposed draft to the Commercial section has expanded the permitted uses. Associated with these terms, the committee felt it was necessary to define those terms in the definition portion (125-4) of the Code as well. Most of the terms are taken from state code. As the proposed ordinance moves away from special use permits and allows uses by right, consideration has to be given for things such as; setback, lighting, parking, buffers, and hours of operation. This change will allow for a more business friendly ordinance, but protect adjoining property owners as well. Mrs. Somers said item K – Site Plan was discussed by the committee and the commission but it was left out of the draft at the public hearing. She recommended the Board schedule a public hearing in October.

Motion: Supervisor Stroupe moved that the Page County Board of Supervisors approves this for public hearing for October 18, 2016. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

Underground Power Line Easement:

Mrs. Moler said the school system is in the process of completing construction on the Health Sciences building at the Technical Center. In order for electrical services to be provided to the building, Shenandoah Valley Electric Cooperative (SVEC) needs to be granted a 15 foot right-of-way for installation of a power line on County owned property, which adjoins the Tech Center property. The existing power line will be vacated and removed by SVEC and replaced with a new underground power line to the new building. The County Attorney has reviewed and approved the Deed of Easement.

County Attorney Miller stated that this Deed of Easement does not have to go to a public hearing because the Virginia Code has an exception for utilities.

Motion: Supervisor Stroupe moved to approve the Underground Power Line Easement to Shenandoah Valley Electric Cooperative. Supervisors Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Pendley, Woodward, Wiatrowski. Nay: None. Absent: Guzy.

Budget Changes:

Mrs. Moler said that the Page County School Board has received a refund from a pre-existing employer sponsored account in the amount of \$2,245.00, and a new grant with in an existing grant award in the amount of \$8,500.00, with no local match required. The Commonwealth's Attorney's Office has received asset forfeiture in the amount of

\$300.00 from the Federal Government, with no local match required. The approval of all three will increase the County's budget by \$11,045.00, with no local funding.

Motion: Supervisor Pendley moved to approve the appropriation of Federal Asset Forfeiture funds in the amount of \$300 to the Commonwealth Attorney's Office, additional grant revenue within and existing Title I program in the amount of \$8,500 and a pre-existing employer sponsored refund to the Page County School Board in the amount of \$2,245. Supervisor Foltz seconded and the motion passed by a vote of 5.0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None. Absent: Guzy.

Board and Commission Appointments:

Mrs. Miller reviewed the board and commission appointments as follows:

Water Quality Advisor Committee:

The term of Andy Jenkins (Town of Luray Representative) has expired. Mr. Jenkins is willing to serve another term and the Town would like for him to be reappointed as their representative on the Committee.

Motion: Supervisor Foltz moved to appoint Andy Jenkins to the Water Quality Advisory Committee for a three year term, which will expire on September 9, 2019. Supervisor Stroupe seconded and the motion carried by a vote of 5.0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None. Absent: Guzy.

Luray-Page County Airport Authority:

The term of James Rushing expired on August 20th and he does not want to be reappointed. An appointment is needed for a four year term through August 20, 2020. Three resumes have been received. They are from Christian Goebel, Keith Stephens, and Michael Osmer. Although Mr. Stephens rents a hanger at the airport and owns property in the County, he is not a County resident.

Supervisor Wiatrowski said since Mr. Stephens does not live in the County can he still serve on the Authority. County Attorney Miller said it does not affect his eligibility.

Chairman Woodward asked Mr. Stephens to address the Board.

Keith Stephens said that he has a lot of investment in Page County; his company operates the Mimyslm Inn and the recent cabin project with the Falter House. He said he owns property in Egypt Bend, but lives in Fort Valley. Mr. Stephens could have housed his plane in Front Royal or Winchester airports, but choose Luray-Page County Airport. He continued to say he thinks it is a great asset to the community and sees a lot of business coming into the community as a whole. He welcomed the opportunity to help out the Airport Authority if the Board chooses him for the appointment.

Supervisor Wiatrowski said knows that Christian Goebel also has a plane he keeps at the airport.

Motion: Supervisor Foltz moved to appoint Keith Stephens to the Luray-Page County Airport Authority for a four year term, through August 20, 2020. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Consent Agenda:

Motion: Supervisor Pendley moved to approve the Consent Agenda as follows:

- Financial reports for the period of August 1-31, 2016;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,483,810.86 for the month of August 2016;
- Minutes of August 2, 2016 and August 16, 2016.

Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Old Business:

Supervisor Wiatrowski would like to invite Page Valley Cycling to a meeting to discuss their request for TOT funding. The Board was in consensus to invite them to address the Board.

New Business:

Supervisor Stroupe would like to request a joint meeting with the EDA and the Board of Supervisors to define who we are and to create a mission statement so the Board can give Delegate Todd Gilbert and Senator Mark Obenshain some definition on who we want to be and where we want to go with regards to economic development.

Stephanie Lillard, Director of Community and Economic Development, said she was under the impression that the meeting would wait until the participation with in Cardinal program, which the application has been submitted. She thinks it would be best to review the Cardinal findings then go over it collectively with both boards. Mrs. Lillard said she expects to hear from them first of next week.

Chairman Woodward said as soon as Mrs. Lillard received the information from the Cardinal program the meeting between the two boards will be set.

Next, Chairman Woodward said that he feels the Technical Center is in need of additional parking, especially since the easement has been approved for the utilities. The land is available and would not interfere with the EMS plans. He would like to bring this up for discussion at a future work session.

Open Public Comments:

There were no speakers during Open Public Comments.

Administrator's Report:

Mrs. Moler said that the auditors are here this week and the final audit fieldwork will occur the second week in October. She noted that there are still several position openings that need to be filled. She reminded the Board that the SVEC public official's

dinner is Thursday night. Next, she informed the Board that some of the equipment at the landfill needs to be replaced. We are in need of a loader, and she asked for preliminary approval from the Board to move forward if she finds something in decent condition.

Supervisors Time:

Supervisor Stroupe thanked everyone for coming out and invited everyone to the Mt. Carmel Christian Academy Car show.

Supervisor Wiatrowski thanked Amity Moler, Regina Miller and Penny Gray for the appreciation dinner for law enforcement, it was a huge success. He also thanked the new faces for coming out.

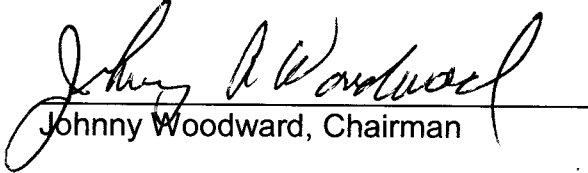
Supervisor Foltz thanked all for coming out.

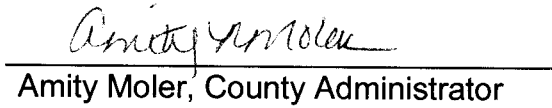
Supervisor Pendley thanked all for their service to the county and the School Board for their leadership for our children.

Chairman Woodward thanked everyone for coming and to have safe travels going home.

Adjourn: 8:38 p.m.

With no further business, Chairman Woodward adjourned the meeting.


Johnny Woodward, Chairman


Amity Moler, County Administrator

AN ORDINANCE TO AMEND CHAPTER 105 (TAXATION), ARTICLE III (SPECIAL ASSESSMENT FOR AGRICULTURAL, HORTICULTURAL, FOREST AND OPEN SPACE USES) OF THE PAGE COUNTY, VIRGINIA, CODE

WHEREAS, by Ordinance duly adopted on February 11, 1980, the Board of Supervisors of the County of Page adopted Chapter 105 (Taxation), Article III (Special Assessment for Agricultural, Horticultural, Forest and Open Space Uses), of the Page County Code; and

WHEREAS, such Ordinance has been amended from time to time and is in full force and effect on the date hereof; and

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend and restate the ordinance.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 120 (Taxation), Article III (Special Assessment for Agricultural, Horticultural, Forest and Open Space Uses), of the Page County Code be amended and restated to read as follows:

Chapter 105. Taxation
Article III. Special Assessment for Agricultural, Horticultural,
Forest and Open Space Uses

§ 105-4. Establishment and definition of classifications.

For the purpose of this article, the following special classifications of real estate are established and defined:

REAL ESTATE DEVOTED TO AGRICULTURAL USE

Real estate when devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

REAL ESTATE DEVOTED TO FOREST USE

Land when devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § 58.1-3240 of the Code of Virginia, including the standing timber and trees thereon.

REAL ESTATE DEVOTED TO HORTICULTURAL USE

Real estate when devoted to the bona fide production for the sale of fruits of all kinds, including grapes, nuts and berries, vegetables or nursery and floral products, under uniform standards prescribed by the Commissioner of Agriculture and

Consumer Services, or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

REAL ESTATE DEVOTED TO OPEN SPACE USE

Real estate when so used as or preserved for park or recreational purposes, conservation of land or other natural resources, floodways, historic or scenic purposes or assisting in the shaping of the character, direction and timing of community development, under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240 of the Code of Virginia and this article.

§ 105-5. Determinations prior to assessment.

Prior to the assessment of any parcel of real estate, the Commissioner of Revenue shall:

- A. Determine that the real estate meets the criteria set forth in § **105-4** of this article and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services; and
- B. Determine further that real estate devoted to agricultural or horticultural use consists of a minimum of five acres, forest use consists of a minimum of 20 acres and open space use consists of a minimum of five acres; and
- C. Determine further that real estate devoted to open-space use meets the requirements of Virginia Code § 58.1-3233.3, as amended, from time to time.

§ 105-6. Application procedure; continuation; removal of parcels from program if taxes delinquent.

- A. Property owners meeting the criteria set forth in §§ **105-4**, **105-5B** and **105-5C** of this article must submit an application for taxation on the basis of a use assessment to the Commissioner of Revenue on or before November 1 of the year preceding the tax year for which such special taxation is sought. The County may permit applications to be filed within no more than sixty days after the filing deadline specified herein, upon the payment of a late filing fee as described below. Such application shall be on forms provided by the Commissioner of Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of Revenue. An individual who is the owner of an undivided interest in a real estate parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. Any such real estate which is the subject of the application herein submitted shall be valued according to the criteria set forth in § **105-7A** of this article.

- B. A new application for taxation on the basis of a use assessment shall be submitted whenever the use, acreage or ownership of such land previously approved changes, except when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment; provided, however, that should there be a transfer of currently approved and qualifying real estate during the months of November or December, said property shall continue to qualify for special taxation on the basis of a use assessment regardless of the change of ownership; however, the new owner must submit a new application to the Commissioner of Revenue by November 1 of the following year in order for the use assessment to continue thereafter. There will be no requirement for annual revalidation unless requested to do so, in writing, by the Commissioner of Revenue.
- C. Application fees.
- (1) A fee of \$20, plus \$0.20 per acre or a fraction thereof, shall be required for each initial application for parcels in common ownership. For purposes of this section, all parcels do not have to be contiguous.
 - (2) A fee of \$20 shall be required for each new application for land previously approved for special use assessment, said new application being required because of change of use, acreage or ownership.
 - (3) A fee of \$20 shall be required for each revalidation application.
 - (4) A late fee of \$25 shall be assessed for each application filed after the deadline.
- D. Continuation of valuation, assessment and taxation under this article shall depend on continuance of the real estate in the use for which classification is granted and compliance with the other requirements of this article and not upon continuance in the same owner of title to the land.
- E. Each owner of real estate having made initial application under Article III, § 105, et seq, for the classification, assessment and taxation of such property on the basis of its use shall submit an application to the Commissioner of the Revenue for revalidation on or before date on which the last installment of property tax prior to the effective date of the assessment is due and on or before November 1 of every sixth year thereafter; and in addition, the Commissioner of the Revenue on each revalidation date shall collect the same fee as provided in Subsection C (Application fees) of § 105-6 from each owner of real estate who filed an initial application at least six years prior to each such revalidation date.
- F. If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the County Treasurer shall forthwith send notice of that fact and the

general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the Treasurer shall notify the Commissioner of the Revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

§ 105-7. Valuation.

- A. In valuing real estate for purposes of taxation by the County, pursuant to this article, the Commissioner of Revenue or duly appointed assessor shall consider only those indicia of value which such real estate has for agricultural, horticultural, forest or open space use, and real estate taxes for such jurisdiction shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in agricultural, horticultural, forest or open space use, he shall, in arriving at the value of such land, consider available evidence of agricultural, horticultural, forest or open space capability and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Committee.
- B. In determining the total area of real estate actively devoted to agricultural, horticultural, forest or open space use, there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities; but real estate under, and such additional real estate as may be actually used in connection with, the farmhouse or home or any other structure not related to such special use shall be excluded in determining such total area.
- C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other structure is located, together with the additional real estate, used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.
- D. In addition, such real estate in agricultural, horticultural, forest or open space use shall be evaluated on the basis of fair market value as applied to other real estate in the taxing jurisdiction, and land book records shall be maintained to show both the use value and the fair market value of such real estate.

§ 105-8. Record of use value and fair market value.

The use value and fair market value of any qualifying property shall be placed on the land book before delivery to the Treasurer, and the tax for the next succeeding tax year shall be extended from the use value.

§ 105-9. Rollback taxes upon change of use.

- A. When real estate qualifies for assessment and taxation on the basis of use under this article and the use or acreage by which it qualified changes to a

nonqualifying use, it shall be subject to additional taxes, hereinafter referred to as "rollback taxes," in an amount equal to the amount, if any, by which the taxes paid or payable on the basis of the valuation, assessment and taxation under this article were exceeded by the taxes that would have been paid or payable on the basis of the valuation, assessment or taxation of other real estate in this County in the year of the change and in each of the five years immediately preceding the year of the change, plus simple interest on such rollback taxes at the same interest rate applicable to delinquent taxes in this locality. If in the tax year in which the change of use or acreage occurs the real estate was not valued, assessed and taxed under this article, the real estate shall be subject to rollback taxes for such of the five years immediately preceding in which the real estate was valued, assessed and taxed under this article.

- B. In determining rollback taxes chargeable on real estate which was changed in use or acreage, the Treasurer shall extend the real estate tax rates for the current and next preceding five years, or such lesser number of years as the property may have been taxed on its use value, upon the difference between the value determined under § **105-7D** and the use value determined under § **105-7A** for each such year.
- C. Liability to the rollback taxes shall attach when a change in use or acreage occurs, but not when a change in ownership of the title takes place if the new owner continues the real estate in the use for which it is classified under the conditions prescribed in this article.
- D. The owner of any real estate liable for rollback taxes shall, within 60 days following a change in use or acreage, report such change to the Commissioner of Revenue on forms provided by the Commissioner of Revenue. The Commissioner shall forthwith determine and assess the rollback tax, which shall be assessed against and paid by the owner of the property at the time the change in use or acreage which no longer qualifies occurs and shall be paid to the Treasurer within 30 days of the assessment.

§ 105-10. Separation or split-off; contiguous real estate in more than one locality; taking of property by eminent domain.

- A. Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxed under this article, either by conveyance or other action of the owner of such real estate, shall subject the real estate so separated to liability for the rollback taxes applicable thereto, but shall not impair the right of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future years, provided that it meets the minimum acreage requirements and such other conditions of this article as may be applicable, nor shall it impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for rollback taxes, provided that it meets the minimum acreage requirements and other applicable conditions of this article.

- B. No subdivision of property which results in parcels which meet the minimum acreage requirements of this article and other conditions of this article, and which the owner attests is for one or more of the purposes set forth in §§ 105-4 and 105-5 shall be subject to the provisions of this subsection.
- C. Where contiguous real estate in agricultural, horticultural, forest or open space use in one ownership is located in more than one taxing locality, compliance with the minimum acreage or gross sales requirements shall be determined on the basis of the total area of such real estate and not the area which is located in this taxing locality.
- D. The taking of real estate which is being valued, assessed and taxed pursuant to this article by right to eminent domain shall not subject the real estate so taken to the rollback taxes herein imposed.

§ 105-11. Liability; violations and penalties.

- A. Any owner failing to report within 60 days following such change in use or acreage of real estate and/or failing to pay within 30 days of assessment shall be liable for an additional penalty equal to 10% of the rollback tax, which penalty shall be collected as part of the tax. In addition to such penalty, there is hereby imposed interest on the rollback tax at the same rate as that imposed on delinquent taxes in this County.
- B. Any person making a material misstatement of fact in any such application shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon, and if such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100% of such unpaid taxes.
- C. For purposes of this section and section 105-6, incorrect information on the following subjects will be considered material misstatements of fact:
 - (1) The number and identities of the known owners of the property at the time of application;
 - (2) The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misstatement of fact for the purposes of this section and section 105-6.

§ 105-12. Applicability of state law.

The provisions of Title 58.1 of the Code of Virginia applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis, including, without limitation, provisions relating to tax levies and the correction of erroneous assessments, and for such other purposes the rollback taxes shall be considered to be deferred real estate taxes.

§ 105-13. **Applicability within towns.**

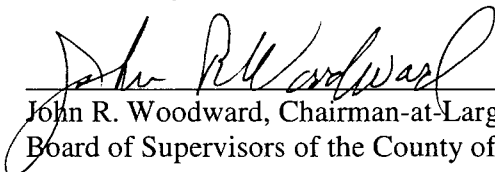
Any incorporated town in Page County, having heretofore adopted a land use plan or hereafter following the adoption of a land use plan, may, by appropriate action,

This Ordinance shall be in full force and effect from and after September 20, 2016, as provided by Virginia law.

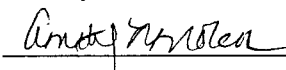
Dates of Notice Publication: September 1, 2016

September 8, 2016

Date of Adoption of Ordinance September 20, 2016


John R. Woodward, Chairman-at-Large
Board of Supervisors of the County of Page, Virginia

Attest:

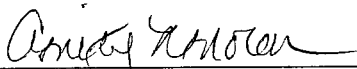

_____, Clerk

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on September 20, 2016. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John R. Woodward, Chairman-At-Large	✓			
Mark Stroupe	✓			
D. Keith Guzy, Jr.				✓
Larry Foltz	✓			
Dorothy F. Pendley	✓			
David Wiatrowski	✓			

Dated: September 20, 2016


Clerk, Board of Supervisors
Page County, Virginia